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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,316	06/15/2005	Leslie James Thomas	CUL0011US	6736
23413 7590 04/16/2009 CANTOR COLBURN, LLP 20 Church Street 22nd Floor Hartford, CT 06103				
EXAMINER				
LAUX, JESSICA L				
ART UNIT		PAPER NUMBER		
3635				
NOTIFICATION DATE		DELIVERY MODE		
04/16/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

usptopatentmail@cantorcolburn.com

Office Action Summary**Application No.**

10/518,316

Applicant(s)

THOMAS, LESLIE JAMES

Examiner

JESSICA LAUX

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 January 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/5508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

3DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (6085481).

Claim 1: Lee discloses a latticework panel comprising a plurality of lattice members arranged in a network, the plurality of lattice members comprising at least one first hollow lattice member (3) disposed in a first direction and at least one second lattice member (4) disposed in a second direction with a pair of ends, and at-least one passage (31) located in the at least one first lattice member through which the at least one second lattice member passes, the passage having a periphery which extends substantially about the at least one second lattice member wherein the at least one second lattice member contacts the at least one first lattice member at the periphery of the passage and at no other portion of the at least one first lattice member (as seen in figures 1 and 2).

Lee does not expressly disclose that the at least one first lattice member is located along the length of and between the ends of the at least one second lattice member, however Lee is clearly capable of having the first lattice member between the ends of the second depending and further it is noted that there are no structural features of the first and second lattice members of applicant's invention that distinguish over those as disclosed by Lee, the recitation in the claims that the first member is disposed between the ends of the second is merely an intended use which does not patentably distinguish over the prior art.

Claim 2: The latticework panel according to claim 1 wherein the lattice members are manufactured from metal (Col. 1-2).

Claim 3: The latticework panel according to either claim 1 wherein, the lattice members have a round, oval or polygonal cross-sectional shape (as seen in figure 1).

Claim 4: The latticework panel according to claim 1 wherein each lattice member is tubular in construction (as seen in figure 1).

Claim 5: The latticework panel according to claim 1 wherein each at least one first lattice member has a plurality of said passages spaced along its length (as seen in figure 1).

Claim 6: The latticework panel according to claim 1 wherein each second lattice member is disposed substantially at right angles to the at least one first lattice member to form a two-dimensional panel (as seen in figures 1-2).

Claim 7: Lee discloses a latticework panel comprising a plurality of lattice members arranged in a network, the plurality of lattice members comprising

at least one first hollow lattice member (3) disposed in a first direction and at least one second lattice member (4) disposed in a second direction,

at least one passage (31) located in the at least one first lattice member through which the at least one second lattice member passes, the passage having a periphery which extends substantially about the at least one second lattice member wherein the at least one second lattice member contacts the at least one first lattice member at the periphery of the passage and at no other portion of the at least one first lattice member (as seen in figures 1-2) and

at least one frame member (1,2& 5) to which at least some of the lattice members are attached.

Lee does not expressly disclose that the at least one first lattice member is located along the length of and between the ends of the at least one second lattice member, however Lee is clearly capable of having the first lattice member between the ends of the second depending and further it is noted that there are no structural features of the first and second lattice members of applicant's invention that distinguish over those as disclosed by Lee, the recitation in the claims that the first member is disposed between the ends of the second is merely an intended use which does not patentably distinguish over the prior art.

Claim 8: The latticework panel according to claim 7 manufactured from metal (Col 1-2).

Claim 9: The latticework panel according to claim 7, wherein the frame member extends entirely about the latticework (as seen in figure 1).

Claim 10: The latticework panel according to claim 7 wherein the frame member comprises a spine portion (5) and two flange members (on 1 or 2 and seen at 21, 11) extending from the spine portion to define a first recess (21, 11) and either the at least one first or at least one second lattice member are received between the two flange members (as seen in figure 1).

Claim 11: Lee discloses the latticework panel according to claim 10 wherein, but does not disclose that each frame member comprises a second recess located between the spine portion and the flange members, to accommodate a fly screen member adjacent the lattice panel. However, it is notoriously common and well known to have screen material at a window or door opening to prevent insects and other unwanted items from obtaining access to one side of the door or window. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the frame of Lee to include a recess for accommodating screening material as such a modification would provide protection against invasion of unwanted items.

Claim 12: Lee discloses the latticework panel according to claim 1 but does not that the lattice members are manufactured from plastics material. However, applicant admits in the specification that it is common and known in the art to have lattices of the type disclosed by Lee to be made of plastic or metal. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the metal material of Lee for a plastic material having the predictable result of an easily manufactured and corrosion resistant lattice. Furthermore it has been held that the

substitution of one known element for another, if it produces a predictable result, is likely not the product of invention, but one of obviousness.

Claim 13: The latticework panel according to claim 1 wherein at least one second lattice member is provided with at least one internal reinforcing member (111).

Claim 14: The latticework panel according to claim 13 wherein the at least one internal reinforcing member is an elongate member extending substantially the length of the at least one second lattice member (as seen in figure 2).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JESSICA LAUX whose telephone number is (571)272-

8228. The examiner can normally be reached on Monday thru Thursday, 9:00am to 5:00pm (est).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Richard E. Chilcot, Jr./
Supervisory Patent Examiner, Art Unit 3635

/J. L./
Examiner, Art Unit 3635